

SECOND REGULAR SESSION

[CORRECTED]

[PERFECTED]

HOUSE SUBSTITUTE FOR

HOUSE BILL NO. 1594

91ST GENERAL ASSEMBLY

Taken up for Perfection April 24, 2002. House Substitute for House Bill No. 1594 ordered Perfected and printed, as amended.

TED WEDEL, Chief Clerk

3711L.02P

AN ACT

To repeal section 105.270, RSMo, and to enact in lieu thereof two new sections relating to state employees' pay.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 105.270, RSMo, is repealed and two new sections enacted in lieu
2 thereof, to be known as sections 105.270 and 105.935, to read as follows:

105.270. 1. All officers and employees of this state, or of any department or agency
2 thereof, or of any county, municipality, school district, or other political subdivision, and all
3 other public employees of this state who are or may become members of the national guard or
4 of any reserve component of the armed forces of the United States, shall be entitled to leave of
5 absence from their respective duties, without loss of time, pay, regular leave, impairment of
6 efficiency rating, or of any other rights or benefits, to which otherwise entitled, for all periods
7 of military services during which they are engaged in the performance of duty or training in the
8 service of this state at the call of the governor and as ordered by the adjutant general without
9 regard to length of time, and for all periods of military services during which they are engaged
10 in the performance of duty in the service of the United States under competent orders for a period
11 not to exceed a total of fifteen calendar days in any federal fiscal year.

12 2. Before any payment of salary is made covering the period of the leave the officer or
13 the employee shall file with the appointing authority or supervising agency an official order from

EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

14 the appropriate military authority as evidence of such duty for which military leave pay is granted
15 which order shall contain the certification of the officer or employee's commanding officer of
16 performance of duty in accordance with the terms of such order.

17 3. No member of the organized militia shall be discharged from employment by any of
18 the aforementioned agencies because of being a member of the organized militia, nor shall [he]
19 **such member** be hindered or prevented from performing any militia service [he] **the member**
20 may be called upon to perform by proper authority nor otherwise be discriminated against or
21 dissuaded from enlisting or continuing [his service] **to serve** in the militia by threat or injury [to
22 him] in respect to [his] **the member's** employment. Any officer or agent of the aforementioned
23 agencies violating any of the provisions of this section is guilty of a misdemeanor.

24 **4. Notwithstanding any collective bargaining agreement or other agreement or law**
25 **to the contrary, the state, or any department, agency, or political subdivision thereof, at the**
26 **request of any employee who is employed by the state or any department, agency, or**
27 **political subdivision thereof and who is called to active duty for more than fifteen calendar**
28 **days as described in subsection 1 of this section, or at the request of such employee's spouse**
29 **or dependent, shall continue or reactivate the health, medical, hospital, dental, vision, and**
30 **surgical benefits coverage, whether provided by an insurance company, health insuring**
31 **corporation, or other health benefit plan or entity, of the person for the duration of the**
32 **time the employee is engaged in active duty as described in subsection 1 of this section. The**
33 **employee, or the employee's spouse or dependent, who requests the continuation or**
34 **reactivation of the coverage and the employing state or state entity are each liable for**
35 **payment of the same costs for the coverage as if the employee were not on a leave of**
36 **absence.**

105.935. 1. Any state employee who has accrued any overtime hours may choose
2 to use those hours as compensatory leave time provided that the leave time is available and
3 agreed upon by both the state employee and his or her supervisor.

4 2. A state employee shall be paid at a rate of one and one half time the employee's
5 straight time hourly rate for all time worked in excess of forty hours a week. Any state
6 employee who works on a designated state holiday shall be granted equal compensatory
7 time off duty or shall receive, at his or her choice, the employee's straight time hourly rate
8 in cash payment. A state employee shall be paid in cash for overtime unless the employee
9 requests compensatory time off at the applicable overtime rate. As used in this section, the
10 term "state employee" means any person who is employed by the state and earns a salary
11 or wage in a position normally requiring the actual performance by him or her of duties
12 on behalf of the state.

13 3. Beginning on January 1, 2003, and annually thereafter each department shall

14 pay all state employees paid by an hourly rate in full for any overtime hours accrued
15 during the previous calendar year which have not already been paid or used in the form
16 of compensatory leave time. All state employees paid by an hourly rate shall have the
17 option of retaining up to a total of eighty compensatory time hours.

18 **4.** The provisions of subsection 2 of this section shall only apply to state employees
19 who are otherwise eligible for compensatory time. Nothing in this section shall be
20 construed as creating a new compensatory benefit for state employees.